IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 12326 of 2007
With
SPECIAL CIVIL APPLICATION No. 12330 of 2007
With
SPECIAL CIVIL APPLICATION No. 12331 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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AMJADALI GAZANFARALI BUKHARI - Petitioner(s)
Versus
SPECIAL SECRETARY & 3 - Respondent(s)

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Appearance :
MR DIPAK R DAVE for Petitioner(s) : 1,MR SN GAJENDRAGADKAR for Petitioner(s) : 1,
MR PATHIK ACHARYA, ASST. GOVERNMENT PLEADER for Respondent(s) : 1,
None for Respondent(s) : 2 - 4.

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 08/05/2007

ORAL JUDGMENT

AS common question of law and facts arise in all these group of petitions and common order passed by the learned Special Secretary (Appeals), Revenue Department , State of Gujarat is challenged in these group of petitions, they were being disposed of by this common judgment and order.

2. In all these petitions, the respective petitioners have prayed for an appropriate writ, direction and/or order quashing and setting aside the order passed by the Special Secretary (Appeals), Revenue Department , State of Gujarat dated 13-10-2006 passed in Revision Application Nos.2 of 1979 to 4 of 1979 by which the applications submitted by the applicants, the petitioners herein for joining as party to the said proceedings as third party have been dismissed.

3. It is required to be noted that the order passed by the Special Secretary dated 13-10-2006 has been challenged by the respective petitioners on 17-4-2007 i.e. almost after a period of six months. It is also required to be noted that after the impugned order was passed by the Special Secretary in rejecting the applications of the present petitioners for joining

them as party to the said revision application as third party, the main Revision Application Nos. 2 of 1979 to 4 of 1979 came to be finally disposed of by the revisional authority by judgment and order dated 14th March 2007. Under the circumstances, on final disposal of the Revision Application Nos.2 of 1979 to 4 of 1979, the petitioners could not have challenged the order passed by the Special Secretary rejecting their applications for joining party.

It is to be noted that the revision applications were filed before the State Government in the year 1979 and the applications for joining as a party to the said proceedings came to be filed after a period of 27 years of filing the revision applications and more particularly, when the revision applications came to be finally disposed of, all these petitions are required to be dismissed. If any of the rights of the petitioners are affected, in that case, it is always open for the petitioners to initiate appropriate proceedings before the appropriate forum.

4. For the reasons stated above, the present petitions are accordingly dismissed. No costs.

(M.R. Shah, J.)

shekhar/-